IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 13299 of 2006(G)

PETITIONER:

GOPAKUMAR B. NAIR,
FOCUS INFOTAINMENT, P.B.NO.5710,
HOTEL SILVER SAND COMPLEX,
THIRUVANANTHAPURAM.

BY ADV. SRI.D.KISHORE

RESPONDENTS:

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1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
REP. BY ITS MANAGING DIRECTOR,
REGISTERED OFFICE, BHADRATHA, P.B.NO.510,
MUSEUM ROAD, THRISSUR.

2. THE REGIONAL MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
CHIRAKKULAM ROAD, STATUE, THIRUVANANTHAPURAM.

3. THE MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
THIRUVANANTHAPURAM MAIN BRANCH, HOUSING
BOARD JN., THIRUVANANTHAPURAM.

4. SPECIAL DEPUTY TAHSILDAR (R.R.),
KERALA STATE FINANCIAL ENTERPRISES LTD.,
REGIONAL OFFICE, STATUE, THIRUVANANTHAPURAM.

BY ADV. SRI.K.S.HARIHARAPUTHRAN,SC,K.S.F.E. LTD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ALONG WITH WPC 19754/2007 ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.13299/2006 & 19754/2007

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Dated this the 4th day of July, 2007.

JUDGMENT

The common petitioner's property is sold in recovery proceedings for recovery of arrears due to KSFE. The purchaser is the 6th respondent in W.P. 19754/2000. The main grievance of the petitioner is that sale of the property is at below the market price. In any case the Collector is free to decide validity of sale under Section 53 of the Revenue Recovery Act. If petitioner settles liability and gives compensation to the purchaser in the form of interest at the market rate, I feel Collector should restore the property. In fact the Collector can pass a conditional order directing petitioner to deposit the amounts payable to the creditor institution and also to the purchaser after setting off recoveries already made in the course of sale, as a condition for setting aside sale. The W.Ps. are disposed of directing the District Collector to take a decision within one month from date of production of copy of this judgment by the petitioner. The petitioner can arrange funds and approach the Collector with a copy of this judgment. The Collector is directed to hear the petitioner and the purchaser

in the matter before orders are issued. There will be direction to the respondents not to confirm sale until orders are issued by the Collector. Since the petitioner has raised dispute about the amount payable, there will be direction to the concerned Branch of KSFE to issue detailed statement of accounts to the petitioner within two weeks from date of production of copy of this judgment. If petitioner has grievance, he can take up the matter with the Managing Director of the company. However, there is no need to wait for settlement of dispute if any in the amount payable for the Collector to proceed as above.

C.N.RAMACHANDRAN NAIR
Judge

pms